

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YOKO ONO LENNON, SEAN ONO LENNON, 08 CV 3813 (SHS)(FM)  
JULIAN LENNON, and EMI BLACKWOOD  
MUSIC, INC.,

Plaintiffs,

-against-

PREMISE MEDIA CORPORATION, L.P., C&S  
PRODUCTION L.P. d/b/a RAMPANT FILMS,  
PREMISE MEDIA DISTRIBUTION L.P. AND  
ROCKY MOUNTAIN PICTURES, INC.,

Defendants.  
-----x

**DECLARATION OF DR. LAWRENCE FERRARA**

I, Lawrence Ferrara, Ph.D., declare and state:

**1. INTRODUCTION AND SUMMARY.**

1. I am a pianist, a music theorist, Professor of Music, and the Director of Music and Performing Arts Professions in the Steinhardt School at New York University. (A copy of my curriculum vitae is attached to this Declaration as Exhibit A.) I have been asked to complete a musicological assessment of the use of "Imagine" as composed and performed by John Lennon in the film, *Expelled*. I assessed the portion of "Imagine" that appears in *Expelled* first to determine its importance in relationship to the

entirety of “Imagine” and, secondly to determine whether the portion of “Imagine” that is at issue would be easily recognizable.

2. Based on my musicological analysis, it is my opinion that the portion of “Imagine” that appears in *Expelled* represents a substantial and memorable part of the overall “Imagine” musical composition. In addition, a significant portion of the “Imagine” sound recording has been digitally sampled and played in *Expelled*. The portion of “Imagine” that is at issue (1) references recurring musical phrases that constitute nearly 50% of the “Imagine” musical composition, (2) includes a significant part of the “Imagine” sound recording, (3) is a memorable portion of “Imagine,” and (4) is easily recognizable as John Lennon’s “Imagine.”

## 2. ANALYSIS

### (a) The Principal Components Of A Musical Composition

3. A musical composition is composed of certain distinct and identifiable components that can be isolated and described separately. Some components are more important and relevant to determining substantial similarity than others. The principal components in determining whether or not two songs are substantially similar are: (1) structure; (2) harmony; (3) rhythm; (4) melody and (5) lyrics.<sup>1</sup>

(1) **Structure** refers to a musical composition’s organization of musical units or musical groups, often dictated by the development of the melody and lyrics. The larger portions or

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<sup>1</sup> Less relevant similarities and differences are key, tempo, instrumentation, and style.

sections are generally referred to as Verses, Choruses, or Bridges. The material within each section begins with the smallest musical unit (e.g., a “motive”) and moves into larger groups called phrases.

(2) **Harmony** refers to the use and the organization of chords, which are specific combination of pitches built on intervals of a third. (*Pitch* is the specific high or low placement of a musical sound of a musical sound, often within a musical scale. An *interval* names the number of tones or space between two pitches.) A sequence of chords is referred to as a harmonic progression.

(3) **Rhythm** is the organization of the time values of sounds and silences, i.e., how long a sound or silence (a rest) lasts.

(4) **Melody** is a single line of music (e.g., what an individual sings or hums), which consists primarily of pitch and rhythm.

(5) **Lyrics** are the words that are sung or spoken in a song.

4. For my analysis, I have considered (1) a sound recording of “Imagine” which is track 1 on **Audio Exhibit 1** attached to this Declaration; and (2) a DVD of *Expelled*.

*i. Structure*

5. Analysis of the Structure of a musical composition provides a map of the overall composition and is helpful in identifying the

location of the music at issue. “Imagine” is 3:00 (i.e., 3 minutes) in duration<sup>1</sup>. The overall Structure in “Imagine” is charted immediately below with the time into the sound recording that each section commences listed in the left column and the opening lyrical phrase listed at the right in order to facilitate identification of the each Section.

### The Structure Of “Imagine”

#### time   section

0:00	Introduction
0:13	Verse 1 (begins with the lyrics, “Imagine there’s no heaven”)
0:51	Verse 2 (begins with the lyrics, “Imagine all the people”)
1:28	Chorus (begins with the lyrics, “You, you may say I’m a dreamer”)
1:55	Verse 3 (begins with the lyrics, “Imagine no possessions”)
2:31	Chorus (begins with the lyrics, “You, you may say I’m a dreamer”)

6. The music at issue in “Imagine” is in Verse 2 from 1:02 through 1:16 into the sound recording. The *sound recording* of “Imagine” has been digitally sampled and appears without any notable manipulation in *Expelled* from 1:04:56 (i.e., 1 hour, 4 minutes, 56 seconds) through 1:05:11 in the film. The *musical composition* from “Imagine” that is at issue represents two iterations of a (1) 2-bar vocal phrase, (2) two phrases of lyrics, (3) a 2-bar piano phrase, and (4) a variant of the 2-bar piano phrase. The 2-bar vocal phrase and the 2-bar piano phrases reference music in the Introduction and all of the Verse sections as explained below.

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<sup>1</sup> Times listed are within 1 second of the occurrence in the sound recording.

ii. *Harmony, Rhythm and Melody*

7. Each of the three Verse sections in “Imagine” consists of six 2-bar vocal phrases. The first four 2-bar vocal phrases in each of the three Verse sections use nearly the same recurring harmony, rhythm, and melody for a total 12 iterations of the 2-bar vocal phrase at issue. In order to demonstrate this recurring 2-bar vocal phrase at issue,<sup>2</sup> I have recorded and attached each 2-bar vocal phrase at issue in “Imagine” on Audio Exhibit 1 as charted immediately below. Lyrics are provided to facilitate identification of each 2-bar vocal phrase. I have highlighted the portion of “Imagine” that was digitally sampled and appears in *Expelled* (see Tracks 8 and 9).

The 2-bar Vocal Phrases In “Imagine” Referenced In *Expelled*

Verse 1

- |         |   |
|---------|---|
| Track 2 | 2-bar vocal phrase, “Imagine there’s no heaven” |
| Track 3 | 2-bar vocal phrase, “It’s easy if you try”      |
| Track 4 | 2-bar vocal phrase, “no hell below us”          |
| Track 5 | 2-bar vocal phrase, “above us only sky”         |

Verse 2

- |                |   |
|----------------|---|
| Track 6        | 2-bar vocal phrase, “Imagine there’s no countries”      |
| Track 7        | 2-bar vocal phrase, “It isn’t hard to do”               |
| <b>Track 8</b> | <b>2-bar vocal phrase, “Nothing to kill or die for”</b> |
| <b>Track 9</b> | <b>2-bar vocal phrase, “and no religion too”</b>        |

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<sup>2</sup> While the music in each of the 12 iterations of the 2-bar vocal phrase is nearly identical to the other, the lyrics couple 2-bar vocal phrases. For example, the lyrics to the 2-bar phrase “No hell below us” are coupled with the lyrics, “above us only sky,” in the subsequent 2-bar phrase.

## Verse 3

- Track 10 2-bar vocal phrase, "Imagine no possessions"
- Track 11 2-bar vocal phrase, "I wonder if you can"
- Track 12 2-bar vocal phrase, "no need for greed or hunger"
- Track 13 2-bar vocal phrase, "a brotherhood of man"

8. First, the portion of the "Imagine" *sound recording* that appears in *Expelled* is heard on tracks 8 and 9 as charted above. However, due to the fact that the 2-bar vocal phrase at issue is iterated 12 times throughout "Imagine," the portion of the *musical composition* in "Imagine" that is at issue is heard on tracks 2 through 13. Thus, the harmony, rhythm and melody in the 2-bar vocal phrase in Tracks 8 and 9 are also present and referenced in the other ten iterations of that 2-bar vocal phrase on Tracks 2 – 7 and 10 – 13.

9. In addition, a 2-bar piano phrase and a variant of that phrase in "Imagine" are also at issue. The 2-bar piano phrase is marked by oscillating eighth notes playing a C chord in the first bar, an F chord in the second bar, and ending the second bar with a rising, chromatic melodic figure. This 2-bar piano phrase occurs two times in the Introduction and three times in each Verse section for a total 11 times in "Imagine." This recurring 2-bar piano phrase is presented on Track 14 in **Audio Exhibit 1**.

10. Moreover, a variant of the 2-bar piano phrase, in which the rising, chromatic melodic figure is omitted at the end of the second bar, occurs one time in each Verse for a total three times in "Imagine." The 2-bar piano phrase variant is presented on Track 15 in **Audio Exhibit 1**. The portion of "Imagine" that appears in *Expelled* (presented on Tracks 8 and 9 in **Audio Exhibit 1**) includes the 2-bar piano phrase and the 2-bar piano phrase variant.

11. The duration of the music that is referenced in the entirety of “Imagine” in *Expelled* is charted immediately below.

The Music At Issue In “Imagine”

<u>Time</u>	<u>Section</u>
0:00 – 0:13	Introduction
0:13 – 0:38	Verse 1
0:51 – 1:16	Verse 2
1:55 – 2:20	Verse 3

12. The portion of the musical composition in “Imagine” that is referenced in *Expelled* is heard during 87 seconds of the 3 minute (180 seconds) “Imagine.” Thus, 48.8% of “Imagine” is referenced by the musical composition that is in *Expelled*.

*iii. Lyrics*

13. Two lyrical phrases from “Imagine” are at issue and presented immediately below.

- (1) “Nothing to kill or die for”
- (2) “and no religion too”

(b) The Master Recording

14. As presented above, the portion of the master recording in “Imagine” that has been digitally sampled and played in *Expelled* is 1:02 through 1:16 in “Imagine.” This digital sample appears from 1:04:56 through 1:05:11 in *Expelled*.

(c) The Portion Of “Imagine” In *Expelled* is Recognizable

15. Approximately 2 seconds prior to the commencement of the portion of “Imagine” in *Expelled*, at 1:04:54, the narrator says, “...lifting a page from John Lennon’s song book...” This narration directs the viewer/listener’s attention to John Lennon and to the musical portion of “Imagine” at issue.

16. As analyzed earlier in this Declaration, the portion of “Imagine” that appears in *Expelled* consists of two, 2-bar vocal phrases and concurrent 2-bar piano phrases. The 2-bar vocal phrase at issue is the most repeated vocal phrase in the entirety of “Imagine”; it is iterated 12 times throughout “Imagine.” In addition, the lyrics, “Nothing to kill or die for, and no religion too” are meaningful within the context of the overall lyrics in “Imagine.” Moreover, the concurrent 2-bar piano phrase is iterated 11 times in “Imagine” and the 2-bar piano phrase variant is iterated 3 times in “Imagine.” Consequently, the combination of the 2-bar vocal phrase with the 2-bar piano phrases references a very memorable and substantial part of “Imagine”; the music at issue references almost 50% of “Imagine.”

17. Based on my musicological analysis, it is my opinion that the substantial and memorable portion of “Imagine” that is referenced by the



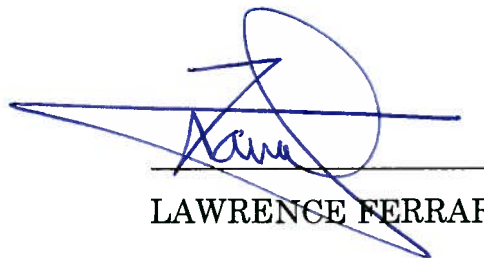
portion of “Imagine” that appears in *Expelled* is easily recognizable as being from John Lennon’s “Imagine.”

### 3. CONCLUSIONS

18. Based on my musicological analysis, it is my opinion that the portion of “Imagine” that appears in *Expelled* represents a substantial and memorable part of the overall “Imagine” musical composition. In addition, a significant portion of the “Imagine” sound recording has been digitally sampled and played in *Expelled*. The portion of “Imagine” that is at issue (1) references recurring musical phrases that constitute nearly 50% of the “Imagine” musical composition, (2) includes a significant part of the “Imagine” sound recording, (3) is a memorable portion of “Imagine,” and (4) is easily recognizable as John Lennon’s “Imagine.”

19. On that basis, it is my opinion that a claim of music copyright infringement of the master recording and the musical composition by the owner(s) of “Imagine” against *Expelled* is musicologically supported.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on May 14, 2008, in New York, New York.

A handwritten signature in blue ink, appearing to read "Lawrence Ferrara", is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the left.

LAWRENCE FERRARA, Ph.D.

# EXHIBIT A

# NYUSteinhardt



Music and Performing Arts Professions  
Dr. Lawrence Ferrara  
Professor and Director

Music Theory,  
Piano,  
Research Methods,  
Music Copyright

Lawrence Ferrara, pianist, music theorist with expertise in music copyright. Piano studies with Gustave Ferri, Genia Robinor, Murray Present, Robert Goldsand, and Donald Currier. Chamber Music with Artur Balsam and Raphael Bronstein. Recordings for Orion Master Recordings and Musique International. Performances throughout North America and Europe including radio and television. Reviews by New York Times and other newspapers. Author and/or co-author of three books and numerous contributions to American and foreign journals on music theory, keyboard harmony and improvisation, philosophy of music, aesthetics, research methodologies, music education, and medical issues for musical performers. For example, *A Guide to Research in Music Education* (written with Roger Phelps) has been a standard text used throughout North America and enjoyed a Fifth Edition released in 2005.

Regarding Dr. Ferrara's critically acclaimed book, *Philosophy and the Analysis of Music: Bridges to Musical Sound, Form and Reference*, reviewers have written:

- "He brings to this enterprise an accomplished analytical technique...In a tour de force, Ferrara leads us through Bartok's Improvisation No. 3 Opus 20 in an eclectic analysis par excellence...the writing and presentation are often quite brilliant, i.e., lucidly conceived and written with distinct literary skills...I think this is the great merit of Ferrara's method: he works from within both the musical and philosophical experience and is expert in both." (F. Joseph Smith, founding editor-in-chief of *The Journal of Musicological Research*);
- "One could read the chapters on phenomenology and hermeneutics, nearly a third of the book, and benefit from Ferrara's unusual ability to explain a difficult tradition in modern philosophy...One could read the chapters on referential meaning and the phenomenological analysis of music and gain an excellent sense of the issues and contributions in these areas...for his expositions are invariably clear, comprehensive, and judicious...that Ferrara undertakes all these methodically and in detail testifies to the seriousness of his undertaking and that he does it so well reveals the unusual breadth of his competence." (Arnold Berleant, review in *The Canadian Review of Philosophy*);
- "Lawrence Ferrara is a consummate philosopher who brings to his philosophizing both the special interpretive skills of the performer and those of the musicologist...The outcome is an excellent study, pioneering in the best sense and

rewarding." (Jose Huertas-Jourda, Department of Philosophy, Wilfred Laurier University, review in the journal, *Phenomenology and the Human Sciences*);

- "Ferrara's book represents a truly exemplary case, from more than one perspective...The air that one breathes throughout this book is that of a new synthesis that would harmonize sense and technique...here there is a characteristic depth of discussion and thorough attention to the critical traditions that engage each successive issue as it appears. This demonstrates a rarely seen competence on both the musicological and philosophical planes...conclusively confirming the merits of Lawrence Ferrara's text...." (Giovanni Piana, Department of Philosophy, University of Milan, written in Italian in the journal, *Axiomathes*);
- "Ferrara's book is bold and scholarly...Its range and its quality are impressive...It is rich in its references. It is a very good book." (Thomas F. Cloonan, review in *Journal of Phenomenological Psychology*)

At NYU, Dr. Ferrara has been The Director of Music Performance Programs and later, Director of Doctoral Studies of Steinhardt Music and Performing Arts. Since 1995 he has been Chair and Director leading 300 faculty and over 1,500 students who major in bachelors, masters and doctoral programs in music and the performing arts professions.

Dr. Ferrara sits on the Editorial Board of the journals, *Arts Praxis* and *Music and Moving Image*, was Associate Editor of *Journal of Qualitative Evaluation in the Arts*, and a member of the editorial board *New York University Education Quarterly*. He has been co-P.I. on federal and foundation grants for research in performing arts medicine. He was Vice President and co-founder of MedArt International, a non-profit federation of physicians and artists fostering research that bridges the arts to medicine. He is a member of the Advisory Board of the Music Business Department at Loyola University, New Orleans. Dr. Ferrara was a winner of a Presidential Fellowship and the Daniel E. Griffiths Award for research, the latter regarding his work on Schopenhauer's philosophy of music (published 1996, Cambridge University Press).

Dr. Ferrara is an active music copyright consultant for all major record, music publishing and motion picture companies as well as numerous independent companies in issues involving numerous composer/artists including: Andrew Lloyd Webber, Paul McCartney, Elton John, Billy Joel, Bob Dylan, Gloria Estefan, Paul Simon, Jay Z, Eminem, Dr. Dre, Prince, Bruce Springsteen, Madonna, Janet Jackson, Sean Combs, Ludacris, Mariah Carey, Britney Spears, Michael Jackson, Missy Elliott, 50 Cent, Wyclef Jean, (the late) James Brown, Marc Anthony, Hillary Duff, (the late) Notorious B.I.G., DMX, Alicia Keys, Ice-T, (the late) Luther Vandross, Enrique Iglesias, Tom Petty, (the late) Tupac, Shania Twain, Toby Keith, Merle Haggard, Mary J. Blige, Mtume, Usher, and Jennifer Lopez as well as numerous groups such as 3 Doors Down, Nirvana, Beastie Boys, Lil' Jon & The East Side Boyz, N'Sync, Filter, U2, Wu Tang, Train, Real McCoy, SWV, Linkin Park, and War.

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**Educational Background**

<b>B.A. Music</b>	<b>Montclair State University</b>
<b>M.M. Piano/Music History</b>	<b>Manhattan School of Music</b>
<b>Ph.D. Music Theory &amp; Analysis/Piano</b>	<b>New York University</b>

**Teaching Background**

<b>1979-84</b>	<b>Assistant Professor</b>	<b>New York University</b>
<b>1984-92</b>	<b>Associate Professor</b>	<b>New York University</b>
<b>'92-present</b>	<b>Professor</b>	<b>New York University</b>
<b>'95-2006</b>	<b>Head, Department Chair</b>	<b>New York University</b>
<b>2006-</b>	<b>Director</b>	<b>New York University</b>

**Selected Professional Activities**

**New York:** April 2008, invited music copyright expert presentation at Columbia Law School, class on Federal Courts Litigation: Trademark and Copyright

**Denmark:** June, 2007 release in Scandinavia and Europe of documentary film on music copyright (*Copy Good, Copy Bad*) in which I am interviewed

**Ireland:** May, 2007, interviewed on Irish radio regarding music copyright

**New York:** January, 2007, Opening and Closing Speaker for a Conference co-sponsored by The New York Philharmonic, the Finnish Consulate,

**and New York University on Music Learning and Performance in Finland**

**New York: November, 2006, invited panelist at the CMJ Conference at Lincoln Center regarding music copyright**

**New York: June, 2006, invited panelist at the Remix Conference regarding music copyright**

**New York: March, 2006, invited presentation to the New York Institute for the Humanities regarding music copyright**

**New York: January, 2006, invited Keynote Address for The Mastery of Teaching Conference sponsored by The Metropolitan Opera Guild, The New York Philharmonic, and New York University**

**Washington**

**D.C.: September 2005, invited panelist/presenter at the Future of Music Policy Summit regarding music copyright**

**New York: June 2005, invited group discussion leader at the United Nations regarding rhythm in music of multiple cultures as part of the U.N.'s World Summit on the "Information Society" and the United Nations Information and Communications Technology Task Force**

**Cambridge: April 2005, invited panelist/presenter at Harvard Law School's Berkman Center, national conference regarding technology and intellectual property**

**New York: April 2005, invited music copyright expert presentation at Columbia Law School, class on Federal Courts Litigation: Trademark and Copyright**

**L.A.: April 2005, invited lecture regarding music copyright in Los Angeles for an NYU Alumni event**

**Orlando: March 2005, Invited lecture regarding music copyright in Orlando, Florida for an NYU Alumni event**

**St. Pete: March 2005, invited piano lecture/recital at Eckerd College, St. Petersburg, Florida, philosophy and music analysis**

**Hawaii: January 2004, invited workshop presentation and session chair regarding methodology inherent in the analysis of a J. S. Bach organ prelude for the International Conference on Arts and the Humanities**

- Norway:** June 2003, invited series of lectures over three days on music theory and analysis co-sponsored by the Music Theory and Composition Departments of the Norwegian Music Academy and the Department of Philosophy of the University of Oslo
- New York:** December 2001, invited chair of a panel at The United Nations regarding "Music within a Global Context."
- Pianist** Performed solo recitals and performances as accompanist and soloist in the United States and Europe as well as solo performances on radio and television. Recordings for Orion Master Recordings and Musique International. In previous years, pianist for musical theatre shows, the New Jersey State Opera, accompanist to internationally acclaimed singers, and session pianist in pop styles.

### **Awards**

- 1972** Stoekel Fellowship, Yale University Graduate School of Music, Summer: Chamber Music
- 1985** Presidential Research Fellowship, NYU
- 1988** Federal Grant for Research
- 1989** Federal Grant for Research renewed
- 1996** Daniel E. Griffiths Award for research regarding Arthur Schopenhauer's theory of music, published by Cambridge University Press, 1996.

### **Professional Organizations**

- American Musicological Society**
- American Society for Aesthetics and Art Criticism**
- College Music Society**
- Husserl Circle**
- Music Educators National Conference**
- Music Teachers National Association**

New England Conference of Music Theorists

New York State Association of College Music Programs

New York State, Schools of Music Association

Percussive Arts Society

Sinfonia

Society for Music Theory

**Publications: Books**

Ferrara, Lawrence      *Philosophy and the Analysis of Music: Bridges to Musical Sound, Form and Reference.* (Greenwood Press) 1991.

Ferrara, Lawrence and  
Kathryn E. Ferrara      *Keyboard Harmony and Improvisation.* (Excelsior Music Publishers) 1986.

Phelps, Roger, Lawrence  
Ferrara and Thomas  
Goolsby      *Guide to Research in Music Education*, Fourth Edition. (Scarecrow Press) 1993.

Phelps, Roger, Lawrence  
Ferrara, et al      *Guide to Research in Music Education*, Fifth Edition. (Scarecrow Press) 2005.

**Publications: Articles (since 1995)**

“Hermeneutic Issues in Qualitative Research,”  
*Philosophy of Music Education Review*, Vol. 3, Number  
1, 1995, 10-20.

“Phenomenology in Music,” with Betsy Behnke,  
*Encyclopedia of Phenomenology*, Lester Embree, ed.,  
Dordrecht, The Netherlands: Kluwer, 1997, 467-473.



**“Schopenhauer on Music as the Embodiment of Will,”  
*Schopenhauer, Philosophy, and the Arts*, Dale  
Jacquette, ed., Cambridge, England: Cambridge  
University Press, 1996, 183-199.**

**Courses Taught at NYU**

**Aesthetic Foundations of the Arts: Doctoral class**

**Aesthetic Inquiry: Doctoral class**

**Arts Heritage and Criticism: Graduate class**

**Contemporary Music: Graduate class**

**Dissertation Proposal Seminar: Doctoral class**

**Form and Analysis: Undergraduate class**

**Keyboard Harmony and Improvisation: Undergraduate class**

**Music Criticism: Graduate class**

**Music in the Classic Era: Graduate class**

**Music History II, Baroque and Classic Periods: Undergraduate class**

**Music History III, 19<sup>th</sup> Century Music: Undergraduate class**

**Music History IV, Music in the 20<sup>th</sup> and 21<sup>st</sup> Centuries: Undergraduate class**

**Music Performance Practices: Graduate class**

**Music Reference and Research Methods: Graduate class**

**Music Theory: Undergraduate class**

**Performing Arts in Western Culture: Undergraduate class**

**Seminar in Music Theory and Analysis: Graduate class**

### **Music Copyright**

A music expert in music copyright infringement issues on behalf of both plaintiffs and defendants.

### **Depositions and Trials since 1999**

Testimony given in: (1) Dimmie v. Carey et al in 1999; (2) Tisi v. Patrick et al in 2000; (3) Jean v. Bug Music in 2001; (4) Newton v. Michael Diamond et al in 2001; (5) Calvin Johnson v. Allen Gordon, et al in 2002; (6) Loussier v. Universal Music Group, Inc., et al in 2003; (7) Michael A. Lowe v. Loud Records, et al in 2003; (8) Billy Frank Davis and Billy Davis Rodem Tunes v. Bradley Kirk Arnold, et al in 2003; (9) Boone v. Jackson, et al in 2004; (10) Davis v. Blige, et al in 2004; (11) Lassin et al v. Island Def Jam Music Group et al in 2005; (12) Bridgeport v. Bad Boy Entertainment et al in 2006; (13) Pyatt v. Jean et al in 2006; (14) Rondor Music International et al v. TVT Records in 2006; (15) BMS Entertainment v. Bridges et al in 2006; (16) Frost et al v. Bridges et al in 2006; (17) TVT Music v. Slip N' Slide Records et al in 2006; (18) Lil' Joe Wein Music v. Jackson et al in 2006 and (19) Bourne Music v. 20<sup>th</sup> Century Fox et al in March 2008.

#### **Fee rate for professional services:**

- **\$325 per hour for research related activities and meetings plus any travel-related expenses**
- **\$400 per hour for deposition and trial testimony plus any travel-related time and expenses**

# **AUDIO EXHIBIT 1**

